

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

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Criminal Division
Department of Justice
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Washington, D.C. 20530

DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCE/METHOD/EXEMPTION 3B2D
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2007

Dear Mr. Ryan:

This is in response to Mr. Martin Mendelsohn's letter to [redacted] of this Office, dated 6 December 1979 informing us that an action had been filed in the U.S. District Court in New Jersey to revoke the citizenship of Tscherim Soobzokov. In that letter Mr. Mendelsohn asked that six documents be made available for use by the Office of Special Investigations. In response to that request, the appropriate offices of the Agency have examined the documents and the circumstances surrounding their acquisition. As a result of that review, we have determined that the use of these documents in unredacted form or a discussion of the circumstances surrounding their acquisition cannot be made on the public record without jeopardizing intelligence sources and methods. Accordingly, we may make these documents available only in redacted form, or if necessary, in ex parte, in camera proceedings; or under an appropriate protective order, as discussed in detail below. (C)

Documents 1 and 2

CIA is prepared to make these documents available for use in this case, and indeed, we would be willing to provide as a witness the custodian of the documents of the Directorate of Operations who can testify that the documents were found in the records system of the Directorate of Operations and that the documents had been in our files since 1952. (C)

However, for reasons stated below, this officer will not be permitted to testify on the public record as to the circumstances surrounding the acquisition of the documents; that is, that these documents were placed into the CIA records system by a staff employee who received them from Soobzokov in [redacted] 1952. (S)

A statement of the circumstances surrounding the acquisition of these documents would constitute an [redacted] [redacted] As recent developments in the Middle East have clearly indicated, even mere allegations of CIA activity often provoke serious reactions by the governments and citizens of Middle East countries. [redacted]

[redacted] A parallel concern is that any admission of CIA activity [redacted] [redacted] would most certainly damage, if not destroy, our ability to withhold that information from public disclosure during the processing of FOIA and Privacy Act requests or in other civil or criminal cases. (S)

For the following reasons the CIA witness also will not be permitted to identify the original recipient of the documents. In 1952 this officer was assigned [redacted] [redacted] cover, [redacted]

[redacted] 1. To disclose the fact that [redacted] [redacted] transmitted information directly to CIA would only exacerbate the potential for adverse reactions mentioned above. To disclose the fact that this individual was, in fact, a CIA employee would have even more serious consequences. First, the individuals he was known to have contacted [redacted] [redacted] could be placed in danger. Second his cover [redacted] [redacted] would most certainly be compromised. [redacted] [redacted] would in itself be damaging. [redacted] [redacted] has expressed its serious concern over [redacted] [redacted] acknowledgment of the use of [redacted] [redacted] cover and the continued willingness and ability of [redacted] [redacted] of provide cover to the Agency is, in our view, dependent on CIA's ability to prevent public disclosure of those instances where cover has been extended. (S)

Finally, the circumstances surrounding the career of the recipient of the document and his immediate associate present additional concern. As stated earlier, the first individual was assigned [redacted] [redacted] under [redacted] [redacted] cover. He remained under [redacted] [redacted] cover for some time following that assignment, and to our knowledge was never surfaced as a CIA employee. Given the success of his cover, a decision was made to assign him to an even more covert status, and for the remainder of his career with CIA, this individual operated under [redacted] [redacted] cover. When this individual retired from CIA he did so under [redacted] [redacted] cover. (S)

The individuals he dealt with had no indication that he was associated with the CIA, American Intelligence, or the U.S. Government. Consequently, he was able to operate in areas that are closed to U.S. Government officials and to contact and recruit individuals who would normally not associate with representatives of our government. Even in retirement the government has continued to make use of this individual and of the contacts he established. Most recently his unique services are being used in operations involving efforts to protect the lives of a number of government employees placed in jeopardy overseas, an action that will be foreclosed if his CIA affiliation becomes known. (S)

The duty of handling Soobzokov [] fell not only to the Agency officer described above, but to his immediate subordinate who also was under [] cover. There is the danger, therefore, that the use of these documents may lead to the disclosure of the identity of this second officer and his activities. In contrast to the first officer, this individual remained under [] cover for the remainder of his career with CIA, and recently retired under [] cover. []

[] . This fact is not unknown to opposition intelligence services. Accordingly, the disclosure of the identity of one CIA officer []

[] . Disclosure of the identity of this second individual and his CIA affiliation would cause damage to Agency operations not only in [] but in the many other places this officer served. It would, for certain, place his immediate contacts in personal danger, damage the security of installations and operations with which he was associated, and weaken our ability to maintain similar cover. The resultant damage of such disclosure could conceivably be wide ranging--the identification of other individuals could lead to the identification of still more covert employees, thus endangering sources and compromising operations that had no direct nexus to the original employee. (S)

In sum, it is necessary to avoid any action and any use of these two documents that would lead to: 1) the identification of the presence of the CIA facility [] identify or describe the activities conducted [] 2) the identification of the original recipient of the document, and 3) identification of the immediate subordinate of the recipient of the document. (S)

Document 3

CIA is prepared to provide a redacted version of the document for use in this case and to provide as a witness a representative from the Office of Security who can testify that the document was prepared by a representative of that office following an interview with Soobzokov in 1953 and that the document had been in our files since that date. However, neither this officer, nor any CIA witness, will be permitted to discuss on the public record the full text of the document or the circumstances surrounding its acquisition. (C)

The document was prepared following a polygraph interview conducted on Soobzokov in [redacted] in 1953. The interview was conducted at the request of Soobzokov's case officer, the first individual described in the discussion of documents 1 and 2. Accordingly, our primary concern is that the use of this document may lead to the disclosure of identities of this individual and his associates and the details of the [redacted] operation. (S)

Because the interview took place in a second country, the use of the document may also lead to the disclosure of CIA activities in that country, which would damage our relations with that country, inhibit our ability to covert operations, and place in jeopardy CIA and government officers currently assigned to that country. (S)

Although this document is relatively brief, it contains a significant amount of information concerning intelligence methods. First, it confirms that CIA polygraph agents, and DDOs in [redacted]. The document indicates that the polygraph interviewer was not assigned to [redacted], but prepared his report elsewhere, and names that location. Thus, the report discloses the fact that CIA possessed a fairly mobile polygraph facility, headquartered at an identified central location. The text of the document also gives some insight into the methodology employed by CIA polygraph interviewers by identifying the areas of interest to the interviewer, and his reaction to Soobzokov's answers to particular subjects. The text of the report is also informative in what it does not state: what we did not consider important, or did not know, about Soobzokov at the time of the interview. (S)

Document 4

CIA is prepared to make this document available in redacted form for use in this case and we would be willing to provide as a witness the custodian of the DDO records who will be able to state that the document was maintained by CIA since 1956. However, this witness may not be permitted to discuss on the public record the full text of the document or the circumstances surrounding its creation. (C)

The document itself is a report of a counterintelligence debriefing conducted on Soobzokov in 1956 by a third CIA staff officer. The interview was conducted in the United States. This interview was not conducted during the course of any on-going operations, but was part of the pre-clearance screening of Soobzokov as a potential asset. The interview was apparently conducted under the auspices of an Army cover unit. Accordingly, any discussion of the circumstances surrounding CIA's acquisition of the document would disclose that the CIA, not the Army, conducted the interview, and disclose the identity of this CIA cover unit. Such disclosure would endanger the security of the individuals who had been assigned to, or dealt with the unit. It would also damage our ability to provide such cover in the future, as the Army's willingness and ability to provide cover is in no small degree tied to our ability to prevent disclosure of the existence of such cover. (S)

The document cannot be released in full text as it contains substantial amounts of information concerning covert installations and personnel assigned to them; identifies uses made of Soobzokov and uses contemplated for him (thus identifying CIA's operational targetting); and identifies those subjects which were of counterintelligence interest to CIA and, by omission identifies subjects which had not come to our attention. (This last point is of no mean significance in that it may disclose a weakness in our counterintelligence capacity.) (S)

Document 5

CIA is prepared to make this document available for use in this case in full text, and to provide as a witness the custodian of the records of the Directorate of Operations who will be able to state that our records indicate that the document was received from Soobzokov in the United States and that it has been maintained since then in CIA files. (C)

CIA witnesses may not discuss on the public record the circumstances surrounding the acquisition of the document, nor may we identify the recipient of the document. (C)

Although the document contains only information concerning Soobzokov's personal activities, the circumstances surrounding the creation and acquisition of the

document bear heavily on CIA equities. At the date the document was created Soobzokov was engaged in a training program designed to provide an ethnic cadre of trained partisans to fight in a "hot war" against the Soviet Union. This operation was conducted under Army cover at an Army installation and was not identified as CIA to the trainees. If a discussion of this document were to disclose CIA's interest in this operation it could place in jeopardy unwitting individuals who may have returned to hostile locations, reveal the affiliation of CIA personnel assigned to the operation, and damage our ability to obtain such cover in the future. (S)

It should be noted that the cover of the operation remains intact, in spite of parallel developments in other litigation involving Mr. Soobzokov. It has come to our attention that Mr. Soobzokov has introduced copies of letters from this cover unit into the record of a pending defamation action in New York. His action has led to at least one FOIA request to the Department of the Army for information on this unit and Soobzokov's relation to it. Thus far, the response has been based on Army's minimal records. Should CIA's affiliation with the project become known, the request's scope will broaden to include our records and the threat of disclosure will increase significantly. (S)

Document 6

CIA is prepared to make a redacted version of this document available for use in the case and is prepared to provide a witness from the Office of Security who can testify that the document was prepared following an interview with Soobzokov by a CIA security officer and that it has been in our files since 1959. Neither this officer, nor any other CIA witness, will be permitted to discuss on the public record the full text of the document or the circumstances surrounding its acquisition. (C)

The document contains a large amount of detail concerning Soobzokov's personal history, but also details in some depth his past associations with CIA, and our efforts to establish his bona fides during his prolonged association with CIA. Of additional concern is the amount of detail this document contains on polygraph methodology, including specific questions and the analysis of Soobzokov's answers.

to them. It is our opinion that the release of this information could be especially damaging in that the information would provide a valuable tool to aid opposition services in developing procedures to defeat our polygraph testing.
(S)

Ex parte, In Camera Proceedings

If required for the government's prosecution of this case, CIA would not object to providing the full text of documents 3, 4, and 6 for ex parte, in camera review by the Court, provided that the following steps are taken to ensure the security of the information contained in the documents:

- a. That the Court agrees to in camera inspection.
 - b. That access be limited to the judge alone.
 - c. That ~~all unredacted~~ ^{THOSE} documents be placed under seal of the Court and returned to the CIA for safekeeping, or stored in a facility approved by CIA.
 - d. That all notes, records and transcripts which contain information derived from the ~~redacted portions~~ of the documents be placed under seal of the Court and stored in a safekeeping facility approved by CIA.
- AT THE COURT
ST 5/14/77*

Similarly, CIA would also provide witnesses who can testify in camera to the record of the circumstances surrounding the acquisition of all 6 documents, if such testimony was required, and if the safeguards described above were provided. (U)

Proceedings Under Protective Order

CIA would agree to give access to the defendant and counsel to sanitized versions of documents 3, 4 and 6, if such access were ordered by the Court and provided that access was subject to an appropriate protective order. (Sanitized copies of these documents would be full text copies of the documents, with the names of intelligence sources deleted.) Copies of protective orders issued in other cases are enclosed with this letter. Inasmuch as an appropriate order must be tailored to the specific intended use of these documents, I suggest that representatives from your Office and the undersigned meet at the earliest opportunity to draft an order to meet the particular requirements of this case. (U)

Conclusion

CIA is prepared to make all 6 documents available to your Office for use in this case, provided that your use of the documents is coupled with adequate procedures to protect the sensitive information described above. In that regard, I suggest that representatives from your Office meet with the undersigned at the earliest opportunity to discuss your actual use of these documents and the procedures that will govern such use. (U)

Sincerely,

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Office of General Counsel

Enclosures